

ILLINOIS POLLUTION CONTROL BOARD

April 6, 2006

PRAIRIE RIVERS NETWORK and SIERRA CLUB,)	
)	
)	
Petitioners,)	
)	
v.)	PCB 06-124
)	(Third-Party NPDES Permit Appeal -
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY and PRAIRIE STATE GENERATING COMPANY, LLC,)	Water)
)	
)	
Respondents.)	
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AMERICAN BOTTOM CONSERVANCY and DALE WOJTKOWSKI,)	
)	
)	
Petitioners,)	
)	
v.)	PCB 06-127
)	(Third-Party NPDES Permit Appeal -
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY and PRAIRIE STATE GENERATING COMPANY, LLC,)	Water)
)	(Consolidated)
)	
)	
Respondents.)	

ORDER OF THE BOARD (by A.S. Moore):

On January 6, 2006, Prairie Rivers Network (Prairie Rivers) and Sierra Club filed a petition asking the Board to review a December 5, 2005 determination of the Illinois Environmental Protection Agency (Agency). The Agency granted a National Pollutant Discharge Elimination System (NPDES) permit to Prairie State Generating Company (Prairie State) for its coal-fired power plant located at Marigold Road and Highway 12 in Marissa, Washington County. On January 11, 2006, American Bottom Conservancy (ABC) and Dale Wojtkowski also filed a petition asking the Board to review the December 5, 2005 determination of the Agency to grant an NPDES permit to Prairie State. In an order dated January 19, 2006, the Board accepted the two petitions for hearing and on its own motion consolidated the two cases.

On March 14, 2006, petitioners ABC and Wojtkowski filed a motion for voluntary dismissal of the petition for review in PCB 06-127 with prejudice (Mot. 1). ABC and Wojtkowski state that the parties have settled issues between them. Mot. 1 at 1-2. ABC and

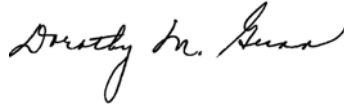
Wojtkowski further state that the respondents have represented that they would not respond to the motion to dismiss. Mot. 1 at 2.

On March 17, 2006, petitioners Prairie Rivers and Sierra Club filed a motion for voluntary dismissal of the petitioner for review in PCB 06-124 with prejudice (Mot. 2). Prairie Rivers and Sierra Club state that the parties have settled all issues between them. Mot. 2 at 1-2. Prairie Rivers and Sierra Club further state that the respondents have represented that they would not respond to the motion to dismiss. Mot. 2 at 2.

The Board hereby grants the motion to dismiss filed by ABC and Wojtkowski, grants the motion to dismiss filed by Prairie Rivers and Sierra Club, dismisses the petitions for review filed in PCB 06-124 and PCB 06-127 with prejudice, and closes this consolidated docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 6, 2006, by a vote of 4-0.

A handwritten signature in black ink, appearing to read "Dorothy M. Gunn", written in a cursive style.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board